

REMARKS

Applicants respectfully request entry of the amendment and reconsideration of the claims. Claim 11 has been canceled without prejudice or disclaimer. Claims 12 and 13 are newly presented. After entry of the amendment, claims 1-10 and 12-13 will be pending.

Applicants submit the amendment is supported throughout the specification, including for example at page 1, lines 23-25 and pages 42-44, and does not introduce new matter.

35 U.S.C. § 112, second paragraph

Claim 11 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 11 has been canceled without prejudice or disclaimer. The rejection is discussed insofar as it may apply to newly presented claims 12-13. Applicants submit newly presented claims 12-13 comply with 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 112, first paragraph

Claims 11 has rejected under 35 U.S.C. § 112, first paragraph as lacking written description. Claim 11 has been canceled without prejudice or disclaimer. The rejection is discussed insofar as it may apply to newly presented claims 12-13. Claims 12-13 recite methods for treating thromboses with a therapeutically effective amount of a compound according to claim 1

The Office Action alleges the specification does not provide an adequate presentation of the mode of treatment of said disease(s) or condition(s). Applicants respectfully do not agree.

The written description requirement must be applied in the context of the particular invention and state of the knowledge. *Capon v. Eschar*, 76 USPQ2d 1078, 1084 (Fed. Cir. 2005). It is unnecessary to spell out every detail of the invention in the specification. Only enough must be included to convince a person of skill in the art that the inventor possessed the

invention. *Falkner v. Inglis*, No. 05-1234, slip. op. at 14 (Fed Cir. May 26, 2006) (citing *LizardTech, Inc. v. Earth Resource Mapping, PTY, Inc.*, 424 F.3d 1336, 1345 Fed. Cir. 2005).

Applying these standards, Applicants submit the claims meet the requirements of §112, first paragraph. In the specification, Applicants provided examples of a large number of the recited compounds and have shown in an art accepted *in vivo* animal model of thromboses that a number of the recited compounds exhibit antithrombotic activity by both oral and intravenous administration. See the specification, for example, at pages 42-44. The specification also discloses that the compounds can be prepared and administered using conventional methods known in the art. See, for example, the specification at page 32, lines 17 to page 43, line 20.

For at least these reasons, Applicants respectfully submit the specification fully describes the claimed invention. Removal of the written description rejection is respectfully requested.

Double Patenting

Claims 1-7, 10, and 11 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-13 and 17 of copending Application No. 11/909,489. Applicants respectfully traverse this rejection.

If a provisional non-statutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications and the later-filed application is rejectable on other grounds, the Examiner should withdraw the provisional ODP rejection and permit the earlier filed application to issue as a patent without a terminal disclaimer. MPEP § 804(I)(B)(1). The present application was filed before copending Application No. 11/909,489. The present application is therefore the earlier filed of the two applications and a terminal disclaimer is not required in the present application.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution

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of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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3/31/08



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